IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.8593 of 2004

Shri Sampatrao Laxman Sawant...Petitioner

V/s

Ramu Tatu Shinde and Ors.. ..Respondents

Ms R.S.Sawant for Petitioner

CORAM: S.R.SATHE,J.

DATED: 29th Oct. 2004

P.C.:-

. Heard the learned Advocate for the Petitioner.

. From perusal of the impugned order is is very clear that the application for remeasurement was submitted at the stage when the surveyor was under cross examination. From the record it appears that the land was already measured. Not only that there was also on record nimtana measurement and vide order dated 17-10-2004 passed below Exh.61 by Civil Judge, J.D., Medha commission through D.I.L.R. was appointed and the land was measured. So under such circumstances merely because according to the Petitioner there was some fault in carrying out the measurement it cannot be

said that there was necessity to remeasure the land again. The order passed by the learned C.J.J.D. appears to be legal and correct. There is no necessity to interfere with the same.

. Hence the petition does not survive. Hence petition is dismissed.

. Parties to act on the copy of this order duly authenticated by Sheristedar of the Court.

(S.R.SATHE,J.)